THE EDMONTON REGIONAL PLAN - METROPOLITAN PART

Briefing Report for E.M.R.P.C. Seminar
March 17, 1982

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March 17, 1982

I. INTRODUCTION

A) History of the Edmonton Regional Plan - Metropolitan Part

Since the establishment of the Edmonton Regional (formerly District) Planning Commission in 1950, the Commission has maintained a regional planning process consisting of data collection and analysis, inter-municipal planning, planning advisory services to municipalities and regional plan making and administration. It was recognized from the start that the problems requiring most immediate attention were areas adjacent to the (then) City of Edmonton boundaries that were experiencing rapid development. The Commission carried out various studies and prepared an Outline General Plan for the Edmonton Metropolitan Area which was adopted in 1952 and amended during 1953 and 1954 as initial land use policies and regulations became more sophisticated through further studies.

In response to amendments to the Planning Act in 1957, giving regional planning commission authority to prepare and adopt a regional plan, the Commission adopted the Preliminary District Plan - Metropolitan Section on January 8, 1958. The plan is primarily a land use control document, the purpose of which is to obtain orderly and economical development by controlling and co-ordinating the use of land. Its boundaries have been defined as the "metropolitan area" containing of the City of Edmonton, the City of St. Albert, the Hamlet of Sherwood Park, and immediately adjoining areas in the County of Leduc, the County of Strathcona, the County of Parkland, and the M.D. of Sturgeon (see attached map). The plan has sought to maintain compact urban communities and industrial areas, and prevent

unwarranted fragmentation of good agricultural land. It has also established a continuous natural open space system along the North Saskatchewan River Valley and tributary ravines plus portions of Sturgeon River Valley and Big Lake shoreline within the boundaries. It embodies a land use pattern for a twenty year period, area based on a population of 660,000 by 1980, and has been one of the most important planning mechanisms implemented within this area. It has over the years worked to ensure sound, orderly and economic subdivision and development in the metropolitan area.

The Regional Plan - Metropolitan Part currently consists of a document entitled "Edmonton Regional Plan - Metropolitan Part: Regulations (with revisions to March 1, 1980)" and a map entitled "Edmonton Regional Plan - Metropolitan Part: Map "A" (with revisions to January 1, 1982)".

The Commission has amended the Plan, on the basis of consideration of applications from local authorities and members of the Commission as specified in the Planning Act, continuously since its adoption as well as making major revisions in 1972. The vast majority of amendments have been to Map "A" to reflect the strong pressure for development and redevelopment in the area. There have been only a few amendments to the Regulations (none since March 1, 1980). The vast majority of proposed amendments have been initiated by the municipalities in their role as local authorities under the Planning Act.

B) Present Status of the Edmonton Regional Plan - Metropolitan Part

The Edmonton Regional Planning Commission commenced studies towards the preparation of a Regional Plan for the entire Region in 1974. This Plan will also supercede the Edmonton Regional Plan - Metropolitan Part. The Planning Act, R.S.A. 1980, specifies:

> "46(1) Each regional planning commission shall, on or before December 31, 1982, adopt a plan for the planning region under its jurisdiction in accordance with this Act which shall be known as the "(name of region) Regional Plan".
>
> (2) Pending completion of a regional plan, a regional planning commission may prepare a plan for any one or more parts of the planning region.
>
> (3) Any reference in this Act or the regulations to a regional plan includes a plan prepared for part of a planning region."
>
> "54(1) Where a regional plan has been ratified by the Minister, no local authority shall enact any by-law, take any action or authorize or undertake any development that is inconsistent with the regional plan.
>
> (2) Every statutory plan, replotting scheme and land use by-law, every action taken or thing done by a local authority, regional planning commission or a council and every decision of a municipal planning commission, development appeal board or development officer shall conform with the regional plan.
>
> (3) The regional planning commission shall send the regional plan ratified by the Minister to every local authority affected by it."

It had been hoped to have a Regional Plan adopted by the Commission by late 1981 and in force, following ratification by the Alberta Planning Board and the Minister of Municipal Affairs, by early 1982. However, the need for substantial revision to the Draft Regional Plan, to accommodate

the policy directives and change in Commission boundary made by the Government of Alberta in July, 1981, has led the new Edmonton Metropolitan Regional Planning Commission to request the Minister of Municipal Affairs to extend the time frame for Commission adoption of the Edmonton Metropolitan Regional Plan to June 1, 1983. The Commission has also requested that the time frame of the Edmonton Regional Plan - Metropolitan Part be extended so that it remains in effect until the effective implementation of the Edmonton Metropolitan Regional Plan, i.e. after adoption by the Commission and ratification by the Minister of Municipal Affairs.

II. EXISTING PROCEDURE FOR CONSIDERATION OF APPLICATIONS FOR AMENDMENT TO THE EDMONTON REGIONAL PLAN - METROPOLITAN PART

The pull-out flow chart at the end of this section outlines the existing procedure followed by the Commission as based on the requirements of the Planning Act, R.S.A. 1980 as well as other information from the Alberta Planning Board, and developed to suit the needs of the Edmonton Metropolitan Regional Planning Commission.

In brief, the Planning Act specifies that:

a) only local authorities and members of a Regional Planning Commission (R.P.C.) can apply to amend a regional plan;

b) 30 days notice must be given to local authorities;

c) An R.P.C. can only amend a regional plan at a full meeting of the Commission;

d) the Alberta Planning Board (A.P.B.) must approve all amendments adopted by an R.P.C. and can serve as an appeal body when an R.P.C. refuses to adopt an amendment;

e) the Minister of Municipal Affairs must ratify all amendments approved by the A.P.B. but not certified by the A.P.B. to be minor in nature and all amendments approved by the A.P.B. on appeal;

f) amendments approved by the A.P.B. and certified by the A.P.B. to be minor in nature, take effect upon such certification, and;

g) all other amendments take effect upon ratification by the Minister of Municipal Affairs.

(A copy of the relevant sections of the Planning Act is appended to this report)

In addition, the Alberta Planning Board has indicated by letter of January 26, 1982 that the 30 days notice to local authorities should be calculated 7 days after notice is given by mail - otherwise, it

would commence upon delivery and receipt. As the Edmonton Metropolitan Regional Planning Commission gives Notice of Motion only at full meetings of the Commission, can only adopt amendments at a full meeting of the Commission, and such full meetings are held once a month on the same day of the month as much as possible (i.e. the first Wednesday); all amendments must now be before the Commission for at least two months.

The Commission itself has established a distinction between "minor" and "major" amendments in order to ensure that amendments of major significance to regional planning are given adequate time to be considered. This distinction was established by the (then) Edmonton Regional Planning Commission on March 3, 1976 as follows:

> "On a motion by Messrs. Powell and Plain, it was moved that consideration to amendments to the Preliminary Regional Plan - Metropolitan Part be done on a quarterly basis with the following exceptions being permitted during the intervening periods: Where
>
> a) these are from a Reserve category to a higher category and an Outline Plan is, or has been, submitted and approved by the Commission, e.g., Agricultural General Urban Reserve to General Urban or Agricultural General Industrial Reserve to General Industrial.
>
> b) action has committed the Commission, by any previous decision, to cause an area to be amended to another use in the future, e.g., as within the Northwest Industrial Strategy area.
>
> c) a municipality can demonstrate that the change is minor and acts as a corrective measure within a given area, and the Metropolitan Committee* could make judgement on the application."
>
> CARRIED

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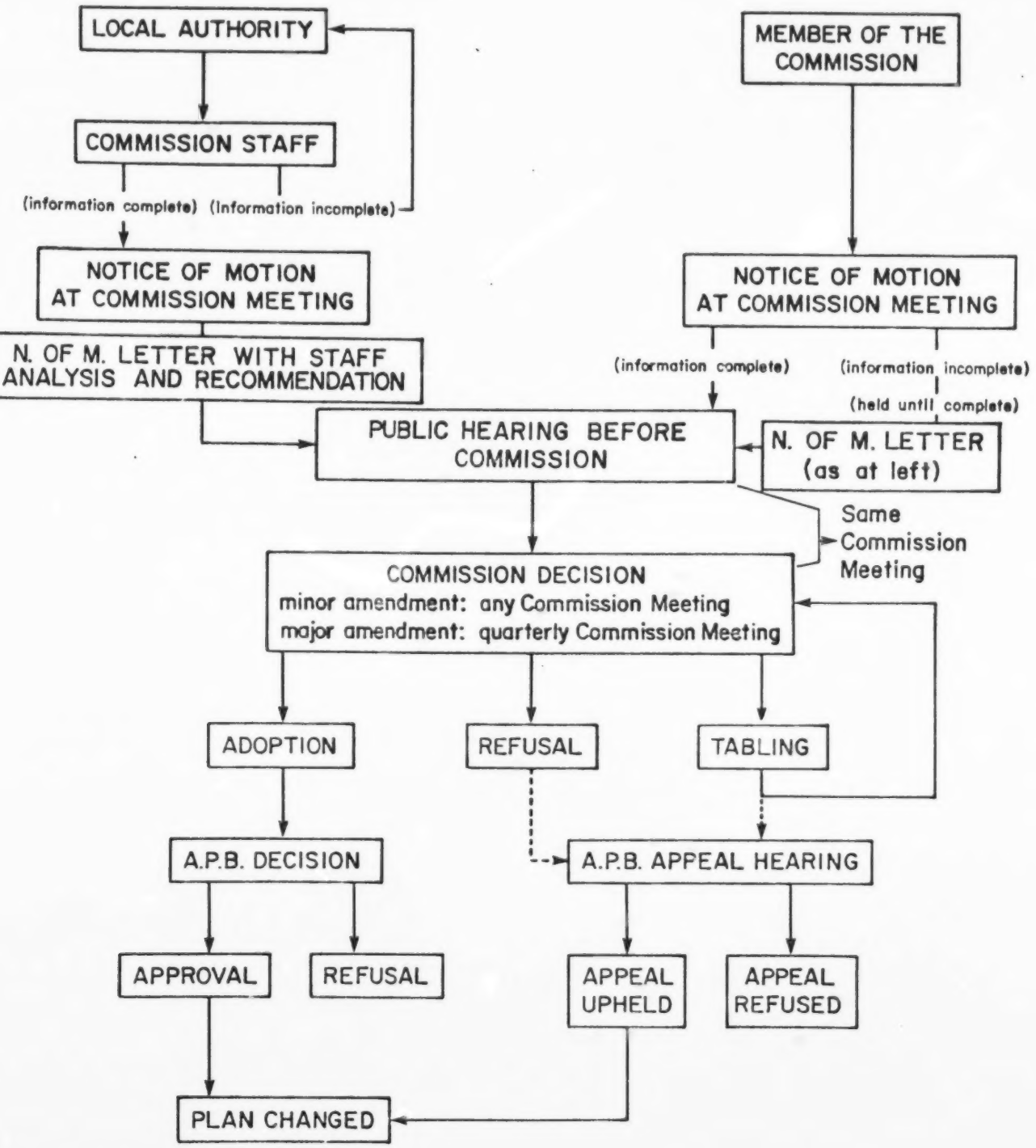
* The Edmonton Regional Planning Commission has not established a Metropolitan Committee so this function goes to the full Commission.

In essence, this means that amendments meeting these requirements for exemption from the quarterly restriction are considered minor whereas all others are considered major. The next scheduled quarterly meeting of the Commission will be in May, 1982 (followed by August, 1982, November, 1982, etc.).

at least 30 days*

PROCEDURE FOR APPLICATIONS FOR AMENDMENT



* plus 7 days for mailing

----- OPTIONAL

III. EXISTING INFORMATION REQUIREMENTS FOR CONSIDERATION OF PROPOSED AMENDMENT

In brief, these presently consist of

(1) for all applications:

i) three copies of the Commission supplied Application Form signed by the development officer of the municipality or a member of the Commission.

(2) for all applications to amend Map "A":

i) one photocopy of the Certificate of Title for the site proposed to have its Land Use Classification amended.

ii) one copy of a Key map for the proposed amendment site. This map essentially shows the location of the site in relation to the established Land Use Classification of the Regional Plan - Metropolitan Part.

iii) one copy of a Site Classification map for the proposed amendment area. This map shows the most important physical characteristics and man-made features of the site as well as its relationship to area structure plans (if applicable).

iv) one copy of a report establishing that the site is suitable for the proposed amendment in terms of all applicable plans and regulations, i.e. the Regulations of the Edmonton Regional Plan - Metropolitan Part, and the Planning Act, R.S.A. 1980 including the Subdivision Regulation. As well, it must be shown that the applicable General Municipal Plan and Land Use Bylaw can be amended for the site to permit the uses allowed by the proposed amendment to the Regional Plan - Metropolitan Part.

(3) for amendments to the Land Classification Map whereby additional land would be classified General Industrial or General Urban:

i) an "outline plan" to show that the area proposed for amendment will be properly serviced when development occurs in terms of roadways, water supply, sanitary sewage disposal, and storm water management.

(Note: This plan is <u>not</u> an Area Structure Plan which is a statutory plan and cannot be adopted by a municipality until the Regional Plan - Metropolitan Part has been appropriately amended. However, a proposed Area Structure Plan can be used to fulfill this requirement).

(4) for amendments to the Land Classification Map whereby development with on-site services would be permitted:

i) reports to show that the proposed amendment site is suitable for whatever on-site services are proposed.

(5) for amendments to the Regulations:

i) a report indicating how the proposed amendment would improve the effectiveness of the Regulations.

APPENDIX A

PLANNING ACT, R.S.A. 1980 REQUIREMENTS

The Planning Act, R.S.A. 1980, specifies the following relation to the procedures to the used in considering applications to amend regional plans:

WHO CAN APPLY?	56(1) A local authority[1] affected by a regional plan may apply to the regional planning commission to amend the plan and upon receipt of the application the commission shall treat the application as if it were a motion made by a member of the commission under subsection (2). (2) A member of a regional planning commission may make a motion to amend a regional plan.
WHAT ABOUT PUBLIC NOTICE AND A PUBLIC HEARING?	(3) No amendment to a regional plan shall be adopted by a regional planning commission unless (a) a public hearing has been held pursuant to section 49, subsection (1)[2], (b) notice of the proposed amendment is given in accordance with section 50, subsection (2)[3], and (c) at the meeting of which notice was given in accordance with section 50, subsection (2), at least two-thirds of those persons entitled to vote and who were present and voted, voted in favour of the amendment.

[1] (16) In this Act, "local authority" means
- (i) a council, or
- (ii) a school authority, or
- (iii) a district board under The Alberta Hospitals Act, or
- (iv) the board of directors of an irrigation district, or
- (v) the board of trustees of a drainage district, or
- (vi) a regional services commission established under the Regional Municipal Services Act, or
- (vii) when a joint committee is established under Section 118 of The Municipal Government Act to construct, own, maintain or operate or do any other matter or thing with respect to a public utility, the joint committee.

2 49(1) Before a regional planning commission adopts a regional plan or an amendment to the plan it shall hold one or more public hearings and give notice of them in accordance with this section.

(2) The regional planning commission shall publish in one or more notices in a newspaper circulating in the planning region a statement

(a) of the intention of the regional planning commission to hold a public hearing on the proposed regional plan or the proposed amendment to it, as the case may be;
(b) of the date, place and time of the hearing;
(c) that the public is invited to make suggestions and representations with respect to the plan or the amendment, as the case may be;
(d) in general terms, the procedure to be followed by anyone wishing to be heard at the hearing;
(e) in general terms, the manner in which the hearing will be conducted.

(3) At the public hearing referred to in the notice, the regional planning commission shall hear

(a) any person or group of persons, or person acting on his or their behalf, wishing to be heard and who has compiled with the procedure specified by the commission, and
(b) any other person who wishes to make representations and whom the commission agrees to hear.

1977 c89 s48

HOW DOES A COMMISSION ADOPT AN AMENDMENT?

25(1) A regional planning commission may

(b) delegate to any committee any of its powers and duties that it considers necessary except the power to adopt a regional plan or any amendment to it.

3 50(1) After the public hearing referred to in section 49, the regional planning commission shall consider the representations made to it and may make such changes to the proposed regional plan or the proposed amendment to a regional plan, as the case may be, that it considers necessary.

(2) The regional planning comission shall give at least 30 days' notice in writing to every local authority in the planning region of its intention

(a) to consider the adoption of the proposed regional plan as the regional plan, or
(b) to consider the adoption of an amendment to the regional plan,

as the case may be.

WHAT IS THE ROLE OF THE ALBERTA PLANNING BOARD?

56(4) On the adoption of an amendment to a regional plan the regional planning commission shall send it to the Board for approval.

1977 c89 s54

WHAT IF A REGIONAL PLANNING COMMISSION REFUSES TO ADOPT A PROPOSED AMENDMENT?

57 (1) If a regional planning commission refuses to adopt an amendment to a regional plan the applicant or any other local authority in the planning region affected by the amendment may appeal to the Board (Alberta Planning Board).

(2) An appeal under this section shall be in writing stating the reasons for the appeal and a copy of it shall be served on every local authority affected by the appeal.

(3) An appeal shall be made within 60 days of the date of the decision appealed.

1977 c89 s55

58(1) The Board shall hold a public hearing on the appeal after giving at least 10 days notice to

(a) the appellant,
(b) the council of each municipality in the planning region;
(c) every other local authority whose powers extend to the planning region, and
(d) any other persons or organizations the Board considers necessary.

(2) After hearing the parties and any other local authority or person it wishes to hear, the Board may approve the amendment and if it does so, shall submit it to the Minister for ratification with or without recommendations.

(3) Notwithstanding an order under subsection (2), the Minister may refuse to ratify the amendment to the regional plan.

1977 c89 s56

WHAT IS THE ROLE OF THE MINISTER OF MUNICIPAL AFFAIRS?

59(1) If the Board approves an amendment to a regional plan but does not certify the amendment to be of a minor nature, the Board shall refer it to the Minister for ratification.

WHEN DOES AN AMENDMENT TAKE EFFECT?

(2) An amendment to a regional plan takes effect

(a) if the Board certifies the amendment to be of a minor nature, upon the certification being made, or

(b) in any other case, on ratification by the Minister.

1977 c89 s57

APPENDIX B

(LETTER FROM ALBERTA PLANNING BOARD CONCERNING NOTICE TO MUNICIPALITIES FOR APPLICATIONS TO AMEND THE EDMONTON REGIONAL PLAN - METROPOLITAN PART)

Alberta

PLANNING BOARD

403/427-4864, 427-3751

9th Floor, Jarvis Building
9925 - 107 Street
Edmonton, Alberta, Canada
T5K 2H9

January 26, 1982

R. N. Giffen,
Director
Edmonton Metropolitan
Regional Planning Commission
#602, 10025 - 106 Street
Edmonton, Alberta
T5J 1G4

Dear Sir:

RE: THE PLANNING ACT/INTERPRETATION ACT
Our file: 100-L-2.1

Attached is a copy of an amendment to the Interpretation Act which took effect in November, 1981. From a Commissions's point of view it affects actions taken under section 50(2) of the Planning Act, and possibly section 93(4). It would seem that in the case of section 50(2) the thirty day period should be calculated 7 days after notice is given - if by mail, otherwise it would commence upon delivery and receipt.

The Commissions may wish to advise their municipalities on the implications this amendment would have in the areas of the adoption of bylaws and Development Appeals.

The Board is reviewing the effects on its actions under section 105, 106 of the Planning Act. Comments, if any, will be sent by L. G. Stewart, Manager Appeals.

Yours truly,

P. J. Merrick
Manager, Planning & Finance

PJM/dm

cc: L. G. Stewart

RECEIVED
JAN 27 1982
Edmonton Metropolitan
Regional Planning Commission

Bill 76
Mrs. Fyfe

BILL 76

1981

INTERPRETATION AMENDMENT ACT, 1981

(Assented to . 1981)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Interpretation Act, 1980 is amended by this Act.

2 Section 21 is amended

(a) in subsection (1)

(i) in clause (b) by adding "or a person ~~acting for the deputy~~" *after* "Minister", *and*

(ii) by adding "or acting deputy" *after* "a deputy";

(b) in subsection (2)(b) by adding "or a person ~~acting for his deputy~~" *after* "deputy".

3 The following is added after section 22:

22.1(1) If an enactment authorizes or requires a document to be sent, given or served by mail and the document is properly addressed and sent by prepaid mail other than double registered or certified mail, unless the contrary is proved the service shall be presumed to be effected

(a) 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or

(b) subject to clause (a), 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

(2) Subsection (1) does not apply if

(a) the document is returned to the sender other than by the addressee, or

(b) the document was not received by the addressee, the proof of which lies on the addressee.

4 The Service of Documents During Postal Interruptions Act is amended in section 6 by striking out "section 18(4) of the *Interpretation Act*" *and substituting* "section 22.1 of the *Interpretation Act, 1980*".

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.

APPENDIX C

INFORMATION REQUIREMENTS FOR APPLICATIONS TO AMEND THE EDMONTON REGIONAL PLAN - METROPOLITAN PART

A. Requirements for All Applications

All applications must contain the following in order to be considered by the Commission:

1) 3 copies of the Commission supplied application form duly completed.

2) 1 photocopy of the Certificate of Title for the proposed amendment area.

3) 1 copy of a Key map for the proposed amendment area. The map shall consist of that portion of the Edmonton Regional Plan - Metropolitan Part Map* sufficient to show lands within a minimum of two miles surrounding the proposed amendment area. The proposed amendment area shall be outlined and an arrow should be directed to it with the existing land use class and proposed land use class noted. Any portion of the Restricted Development Area falling within two miles of the proposed amendment area should also be outlined. The map shall be one a 8½" x 11" sheet and shall be suitable for reproduction.

4) 1 copy of a Site Characteristics map for the proposed amendment area to show 5 foot contour intervals, C.L.I. agricultural land classification, natural features (i.e. sloughs, wooded areas, organic soil zones, watercourses, waterbodies, valley banks), and man-made features (i.e. areas under agricultural production, existing roads, rights-of-way, pipelines and powerlines, all existing structure and development whether in use or abandoned). If the proposed amendment area is part of an area structure plan, the total area covered by the area structure plan should be shown on this map. The scale of the map shall be such as to clearly display the above information but to still be contained on an 8½" x 11" sheet. If difficulty is encountered in doing both, Commission staff should be consulted. Commission staff should also be consulted if it is felt that the nature of a particular application does not require provision of some of the above information on the Site Characteristics map.

5) A report to establish that the site is suitable for the proposed amendment in terms of the Edmonton Regional Plan - Metropolitan Part and the Planning Act, 1977.

   In particular, with regard to the Edmonton Regional Plan - Metropolitan Part, the report must establish that there is sufficient demand for the development which the amendment would permit to justify reclassification of the site.

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* This map is contained in the Regulations for the Regional Plan - Metropolitan Part.

B. Additional Requirements for Applications for Amendment from All Other Land Use Classes to the General Industrial or General Urban Land Use Classes

The Regulations state (p. 3, p. 5) that changes in Land Use Class for a particular area from Agricultural - General Urban Reserve to General Urban, and from Agricultural - General Industrial Reserve to General Industrial, "shall be considered as an amendment to the Plan and subject to the required amendment procedure which will include the preparation of an outline plan as a prerequisite". This implies that amendment from other zones to General Urban or General Industrial shall also require preparation of "outline plans" since such rezonings pass through the Reserve zones in that the Reserve zones are the link in terms of timing of development between the other zones and the General Industrial/General Urban zones. An "outline plan", for the purpose of applications to amend the Regional Plan - Metropolitan Part, is equivalent to an area structure plan as defined under the Planning Act, 1977. The Commission requires preparation of outline plans to ensure that intermunicipal concerns such as proper provision of a co-ordinated system of roadways and utilities are met and that resources of intermunicipal importance such as agricultural land, other natural resources, major open space, and airports are protected as much as possible as urban and industrial development occur. It is not necessary that a municipality have adopted an area structure plan for the Commission to consider it as part of an application to amend the Regional Plan - Metropolitan Part.

C. Additional Requirements for Applications for Amendment to Permit Development with On-Site Services

It is inappropriate to consider amendment to the Plan to permit development with any on-site services if it is not clear that the physical characteristics of the proposed amendment site will allow subdivision for such development. Therefore, all applications for amendment to permit development with on-site services must include reports on the quantity and quality of natural groundwater for the proposed development and the suitability of the land for on-site sewage disposal from the proposed development.